



Docket No.: 1907.1290

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kwang-cheol OH et al.

Serial No. 10/721,271

Group Art Unit: 2626

Confirmation No. 6479

Filed: November 26, 2003

Examiner: Paras D. SHAH

For: VOICE REGION DETECTION APPARATUS AND METHOD WITH COLOR NOISE
REMOVAL USING RUN STATISTICS (as Amended)

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Statements of Reasons for Allowance were forwarded in the Notice of Allowability mailed July 28, 2009, and the Office Actions mailed April 8, 2009, October 17, 2008, April 1, 2008, November 5, 2007 and June 18, 2007.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The reasons for allowance in the Notice of Allowability include descriptions and characteristics of selected items of prior art. It is submitted that such characterizations are not proper "reasons for allowance" as directed by 37 C.F.R. §1.104 and as explained in M.P.E.P. §1302.14. In particular, a discussion of the prior art is specifically identified in Example (F) of

M.P.E.P. §1302.14 as a statement which is not a suitable reason for allowance.

Also, the Examiner characterizes certain features of the claims. However, the Examiner has not recited the appropriate language for the appropriate claims as pending and allowed in the application.

By way of example, on page 3, with respect to the Kusher reference, the Reasons refer to the removal of colored noise. It is noted that claim 1, for example, recites eliminating color noise.

The foregoing is merely meant to be exemplary, and does not point out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the claimed features of the currently pending claims.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 10-27-09

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